19030. Adulteration and misbranding of Hien Fong essence. U. S. v. 2⅝ Dozen Large Bottles, et al., of Hien Fong Essence. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26083, 26084. I. S. Nos. 25398, 25399. S. Nos. 4327, 4328.)

Examination of a drug product, known as Hien Fong essence, showed that the carton and bottle labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. Analysis showed that the product contained less alcohol than declared.

On March 28, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5 7/12 dozen large-sized bottles, 28⅛ dozen medium-sized bottles, and 41 7/12 dozen small-sized bottles of Hien Fong essence at Chicago, Ill., alleging that the article had been shipped by the Knorr Medical Co., from Detroit, Mich., on February 12, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (1.2 per cent), including spearmint oil, peppermint oil, and camphor, a small proportion of ether, extracts of plant drugs, alcohol (52.5 per cent by volume), and water.

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength, to wit, "Alcohol 60%," and the strength of the article fell below such professed standard in that it contained a less amount of alcohol.

Misbranding was alleged for the reason that the statement on the carton and bottle labels, "Alcohol 60%," was false and misleading; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A medical preparation of value for the treatment of * * * Throat and Stomach Troubles. * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsilitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps, and for Menstrual or periodic Pains;" (bottle) "Value for the treatment of * * * Throat and Stomach Troubles * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsilitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps and for Menstrual or periodic Pains;" (circular) "Directions. In cases of Sore Throat and Tonsilitis, and to guard against Diseases infectious through the Mouth and Throat, gargle repeatedly * * * For Indigestion, Colic, Stomach Cramps and for Menstrual or Periodic Pains, * * * For Cholera Morbus and Summer Complaint of children * * * Catarrhal Conditions, etc. * * * in cases of Neuralgia, Chilblains, * * * Headache."

On August 26, and October 12, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19031. Adulteration and misbranding of Dr. Welter's tooth powder. U. S. v. 91 Packages of Dr. Welters' Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26847. I. S. No. 17520. S. No. 5026.)

Examination of Dr. Welters' tooth powder showed that the labeling contained statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was further represented to be antiseptic, whereas it was not.

On or about August 13, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel

praying seizure and condemnation of 91 packages of Dr. Welters' tooth powder, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., on or about May 8, 1931, and had been transported from the State of Florida into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, alum, soap, and peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of antiseptic under which it was sold.

Misbranding was alleged for the reason that the statement on the carton label, "Antiseptic Tooth Powder * * * This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30th, 1906," was false and misleading, since the article was adulterated and misbranded within the meaning of the food and drugs act. Misbranding was alleged for the further reason that the statement on the can label and in the circular, "Antiseptic Tooth Powder," was false and misleading, since the article did not possess antiseptic properties. Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tender Bleeding Gums Preventing Pyorrhea;" (circular) "Bleeding Gums Danger Signal of Pyorrhea! * * * Dr. Welters' Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for * * * Preventing Pyorrhea. * * * The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welters' Antiseptic Tooth Powder, which is specially prepared for healing and hardening bleeding gums. * * * The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'micro-organism' which is commonly known as the 'tooth germ' enters the tooth, and from this point decay begins. Dr. Welters' Antiseptic Tooth Powder * * * Prevents Decay. * * * The 'Cause of Decay in Teeth' and How to Prevent It * * * by removing the constant germ formation from the teeth by the use of 'Dr. Welters' Antiseptic Tooth Powder,' applied with a good brush, morning, noon and before retiring. * * * Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welters' Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19032. Adulteration and misbranding of Kojene and misbranding of Kojenol. U. S. v. 24 Packages of Kojenol and 384 Packages of Kojene. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27059, 27060. I. S. Nos. 37905, 37906. S. No. 5226.)

Examination of the labeling and composition of the drug products, Kojene and Kojenol, showed that the articles were represented to possess curative and therapeutic properties which, in fact, they did not possess. Examination of the Kojene also showed that the article contained less of the active ingredient, oxyquinoline sulphate $(C_9H_7ON)_2\ H_2SO_4$, than represented in the labeling, and that it was not a powerful antiseptic when used in accordance with the directions printed upon the labeling.

On October 13 and October 14, 1931, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 packages of Kojenol, and 384 packages of Kojene, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the articles had been shipped in interstate commerce by the Kojene Products Corporation from Buffalo, N. Y., into the State of Pennsylvania, the former on or about November 28, 1930, and the latter on or